DETAILED ACTION

1.   This office action is in response to communication filed on 10/23/2009.

2.   Claims 17-38 and 44-47 are presented for examination.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 17-38 and 44-47 are rejected under 35 U.S.C. 103(a) as being

unpatentable over DeLapa et al. (6,076,068 hereinafter Delapa) in view of Langseth et

al. (6,694,316 hereinafter Langseth).

        With respect to claims 17, 19-20, 25-27, 30, 31, 33, 35-36, 44 and 47 DeLapa

teaches a computer-controlled method for managing and distributing offers (abstract).

Producing a marketing campaign comprising a plurality of offers specified by offer data

processing rules, executed by the computer, from which one or more of the offers are

identified for targeting specific individuals (i.e. marketing campaign containing a

plurality of coupons parameters for targeting specific shoppers)(col. 8, lines 35 to col.

9, lines 1-17); prioritizing by the computer the set of offers for an individual, with

prioritizing being to determine which offer or offers from the set of offers should be sent

to the individual from multiple offers associated with the individual (i.e. determining

from targeted, default or mandatory offers); selecting a prioritized offer from the

prioritized offers for presenting to the individual associated with those prioritized

offers)(see Figure 20).

      With respect to delivering the offers to the individuals over one of a plurality of

different types of delivery channels associated with the offer.   Langseth teaches

selecting the advertisements or offers based on the capability of the channels to the

selected offers. Langseth teaches selecting from a plurality of channels which

advertisements to place based on the channel capacity and content of the channel.

Langseth, clearly teaches in step 928, the advertisements being selected based on the

channel being run or the capacity of the channel. Each channel accommodates or is

capable of outputting different types of ads. For example, a golf site may only enable

access to a sports channel. It would have been obvious to a person of ordinary skill in

the art at the time of Applicant's invention to have included in the system of DeLapa the

teachings of Langseth of presenting the offers to the individuals over one of a plurality of

delivery channels associated with the offer because such a modification would "**provide**

a readable available medium for delivery of the right information at the right time"

(Langseth col. 3, lines 6-10).

      With respect to prioritizing offers for an individual based upon privacy

characteristic defined by the individual, from multiple offers. In DeLapa by the shoppers

behaviors such as his purchases and selection of the purchases are taking into account

in order to prioritize the offers to the customers. For example based on the shopper

characteristics such as redemption of multiple offers will determine the type of offers he

or she will receive. For example, **the heaviest shoppers may be awarded more**

coupons than less frequent shoppers (col. 5, lines 15-30) the heavier shopper will

receive more **targeted** offers based on his individual shopping and redemption of the

offers.

With respect to the newly amended feature of at least one of the offer data

processing rules determines a set of offers based on a predetermined time interval as

the specific individuals interact with each set of offers. Delapa teaches determining a

set of offers specific to household attributes, such as redemption of previous offers (see

col. 5, lines 15-30). DeLapa is silent as using a predetermined time interval in which the

individual interacts or redeems the offer. Official Notice is taken that it is old and well

known to use a predetermined time interval to see how effective the offers are. For

example, in certain promotion schemes if the customer doesn't redeem the offer within

a predetermined time period the amount of the offer is decreased in order to motivate

the customer to redeem or respond to the offer in a timely manner. It would have been

obvious to a person of ordinary skill in the art at the time of Applicant's invention to have

included using a predetermined time interval in which the individual interacts or

redeems the offer in order to obtain the above mentioned advantage.

Claims 18, 23-24, 34 further recite determining a channel to select based on user

response to an offer. Official Notice is taken that it is old and well known in marketing to

determine how well users response to ads on TV versus ads in the radio in order to

select how the ads are going to be delivered based on the user's responses. It would

have been obvious to a person of ordinary skill in the art at the time of Applicant's

invention to have included determining a channel to select based on user response to

an offer in order to allow the advertisers to determine the best delivery medium.

Claims 21-22, 37-38 further recite the capacity of the channels being related to

the monetary cost of the channel. Official notice is taken that it is old and well known for

monetary and operating cost being related to the capacity of the channels. For

example, CNN will have a higher capacity than a local smaller channel with a smaller

budget. It would have been obvious to have included the capacity of the channels being

related to the monetary cost of the channel because such a modification would allow the

channels to invest and better maintain the channels in order to have a higher chances

of being selected.

With response to claims 28-29, 32 and 45-46, DeLapa further teaches reporting

the effectiveness of the plurality of offers and presenting a sequence of related offers to

those individuals based on the individuals activities (i.e. tracking coupon redemption in

order to further target coupons to the individual).

Response to Arguments

5.   Applicant's arguments filed 10/23/2009 have been fully considered but they are

not persuasive.

6.   With respect to the Official Notice taken that using a predetermined time interval

to see how effective the offers are, the Examiner has provided examples of the well

known facts and Appellant hasn't provided a proper challenge that would at least cast

reasonable doubt that the known facts weren't known prior to Applicant's invention. See

MPEP 2144.03.

7.   Applicant argues that the Official Notice taken refers merely to using a time

interval to see how effective the offers are and does not suggest to determine a set of

offers. The Examiner wants to point out that DeLapa teaches using coupon redemption

information in order to determine subsequent targeted coupons to offer to the users

based on the redemption information (col. 5, lines 15-30). Delapa seems to be silent as

to using a predetermined time period to see how effective the offers are. The Official

Notice taken was merely to show that using time interval, for example using the month

of January to determine users redemption of the offers within a particular month/weeks,

etc. in order to monitor the effectiveness and how timely the offers are being redeemed.

The combination of DeLapa and the official notice taken as a combination teaches the

claimed invention of a set of offers based on a predetermined time period as the

specified individuals interact with each set of offers. Applicant is reminded that in

response to applicant's arguments against the references individually, one cannot show

nonobviousness by attacking references individually where the rejections are based on

combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA

1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Conclusion

8.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Point of contact

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Raquel Alvarez whose telephone number is (571)272-

6715. The examiner can normally be reached on 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Robert A. Weinhardt can be reached on (571)272-6633. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Raquel Alvarez/   Raquel Alvarez
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R.A.
1/12/2010